

REMARKS

The Office Action dated September 13, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3, and 5-18 are currently pending in the application, of which claims 1, 9-12, and 18 are independent claims. Claims 1, 3, and 5-12 have been amended, and claims 13-18 have been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1, 3, and 5-18 are respectfully submitted for consideration.

Claims 1-3 and 5-12 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0035401 of Shaheen et al. ("Shaheen"). Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3 and 5-8 depend, is directed to a method including sending a message from a first party to a second party in a communication system. The method also includes sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The method further includes detecting in a network controller that the response includes at least one parameter breaching the policy. The method additionally includes modifying, by the network controller, the at least one parameter to be consistent with the policy.

Claim 9 is directed to a controller configured to operate in a communication system. The controller is also configured to handle responses and requests between parties of communication sessions. The controller is further configured to forward a message from a first party to a second party. The controller is additionally configured to check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties. The controller is also configured to modify the at least one parameter to be consistent with the policy.

Claim 10, upon which claims 13-17 depend, is directed to a communication system including a controller configured to handle responses and requests between parties of communication sessions, forward a message from a first party to a second party, check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties, and modify the at least one parameter to be consistent with the policy. The communication system is configured to provide the communication sessions between the parties. The parties are connected to the communication system.

Claim 11 is directed to a communication system including sending means for sending a message from a first party to a second party. The communication system also includes sending means for sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The communication system further includes detecting means for detecting in a network controller that the response includes at least one parameter

breaching the policy. The communication system additionally includes modifying means for modifying the at least one parameter to be consistent with the policy. The communication system is configured to provide the communication sessions between the parties. The parties are connected to the communication system.

Claim 12 is directed to a method including sending a message from a first party to a second party in a communication system. The method also includes awaiting a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The method further includes modifying the at least one parameter to be consistent with the policy.

Applicants respectfully submit that Shaheen fails to disclose or suggest all of the elements of any of the presently pending claims.

Shaheen generally relates to utilizing a session initiation protocol for identifying user equipment resource reservation setup protocol capabilities. More particularly, Shaheen describes a session setup mechanism between two UEs. UE 1 transmits an INVITE message containing an SDP which contains the codecs UE 1 is capable of supporting. The INVITE is received by UE 2. UE 2 returns the SDP with codecs in the received INVITE. The P-CSCF of UE 2's network authorizes a QoS resource system for the common codecs. The P-CSCF may reject the session based on a lack of support for the proposed QoS protocol. The P-CSCF of UE 1's network authorizes the resources for the common codecs. UE 1 selects the codec to use from the common codecs and transmits an SDP to the second UE.

Claim 1 recites, “modifying, by the network controller, the at least one parameter to be consistent with the policy,” which is a combination of the recitations of previously pending claims 1 and 2, both of which were rejected as anticipated by Shaheen.

The Office Action cited paragraphs [0045], [0050], [0058], [0068], and [0078]. The Office Action, thus, appears to have alleged that as Shaheen discloses UE 1 and UE 2 modifying the media parameters (paragraph 45), this discloses the “modifying” feature of claim 1. However, claim 1, as amended to include the features of previous claim 2, clearly indicates that the modifying is performed by the network controller. Accordingly, it is respectfully submitted that Shaheen fails to disclose or suggest at least this feature of claim 1.

An advantage of the network controller modifying the media parameters is that the UE is not responsible for enforcing policy over the network. This can enable more secure control over policy as UE are susceptible to tampering. Because Shaheen does not disclose or suggest that the modifying is by the network controller, it is respectfully submitted that Shaheen cannot provide these critical and unobvious advantages.

Furthermore, in the Office Action’s rejection of claim 2, it appears that the Office Action has alleged that the claim was not novel in light of the following: UE 1 sending a request for a session to UE 2 which requires UE to provide RSVP functionality; when UE 2 is not RSVP capable, UE 2 passing a message to Proxy CSCF 2 requesting that Proxy CSCF 2 provide a proxy RSVP function. Applicants respectfully disagree with this analysis.

Claim 1 recites “sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party,” which is not disclosed by Shaheen.

That it is not disclosed by Shaheen can be seen from the fact that the message transmitted by UE 2 to the Proxy CSCF merely instructs the Proxy CSCF to provide the RSVP functionality and does not include a parameter that is in breach of a policy. If it did, then one of ordinary skill in the art would expect that UE 2 would not need to be aware of its deficiencies under the present invention, and would not need to instruct the Proxy CSCF to provide RSVP functionality.

Thus, while certain embodiments of the present invention can advantageously provide a network entity enforcing policy within the network by “modifying” parameters transmitted by user equipment, Shaheen is directed towards negotiating a media session between two UEs. When media parameters breach policy within the network disclosed in Shaheen, the parameters are “removed” and not “modified,” as explained at paragraph [0065] of Shaheen. Accordingly, Shaheen neither discloses nor suggests all of the elements of claim 1, nor can Shaheen provide the critical and unobvious advantages that certain embodiments of the present invention can provide. Thus, it is respectfully requested that the rejection of claim 1 be withdrawn.

Independent claims 9-12 each have their own scope, but each contain some similar features to those discussed above. Likewise, claims 3 and 5-8 depend from, and further limit, claim 1. Thus, it is respectfully submitted that each of claims 3 and 5-12 recites

subject matter that is neither disclosed nor suggested in Shaheen, and it is respectfully requested that the rejection of claims 3 and 5-12 be withdrawn.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shaheen in view of U.S. Patent Application Publication No. 2004/0215787 of Gibson et al. (“Gibson”). Claim 4 has been cancelled. Thus, the rejection of claim 4 is moot, and its withdrawal is respectfully requested.

However, considering new claim 18, claim 18 has its own scope, but recites some (though not all) of the same features discussed above with regard to claim 1. At least some of the deficiencies of Shaheen with respect to claim 1 are discussed above. Gibson does not remedy those deficiencies of Shaheen.

Gibson generally relates to establishing connections across a communication network. Gibson aims generally to establish a connection quickly and to provide a guaranteed quality of service, as explained at paragraphs [0005] and [0011] thereof. Accordingly, it is unsurprising that Gibson fails to disclose or suggest, for example, “sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party,” as recited in both claims 1 and 18.


Accordingly, it is respectfully submitted that the combination of Shaheen and Gibson fails to disclose or suggests all of the elements of any of the presently pending claims.

For the reasons explained above, it is respectfully submitted that each of claims 1, 3, and 5-18 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3, and 5-18 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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Enclosures: Petition for Extension of Time; Additional Claim Fee Transmittal; Check No. 15970